

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 KATHERINE MESSANA
Deputy Attorney General
4 State Bar No. 272953
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2554
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2012-82*

11 **MELISSA RENAE BRADFORD**

12 **828 High Street**
13 **Aberdeen, OH 45101**

14 **Registered Nurse License No. 626642**

15 Respondent.

A C C U S A T I O N

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about September 22, 2003, the Board of Registered Nursing issued Registered
23 Nurse License Number 626642 to Melissa Renae Bradford ("Respondent"). The Registered
24 Nurse License expired on April 30, 2005, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
2 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
3 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
4 Nursing Practice Act.

5 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
7 licensee or to render a decision imposing discipline on the license. Under Section 2811
8 subdivision (b) of the Code, the Board may renew an expired license at any time within eight
9 years after the expiration.

10 6. Sections 118 subdivision (b) of the Code also grants the Board jurisdiction over
11 suspended, expired, forfeited, cancelled, or surrendered licenses:

12 "The suspension, expiration, or forfeiture by operation of law of a license
13 issued by a board in the department, or its suspension, forfeiture, or cancellation by
14 order of the board or by order of a court of law, or its surrender without the written
15 consent of the board, shall not, during any period in which it may be renewed,
16 restored, reissued, or reinstated, deprive the board of its authority to institute or
continue a disciplinary proceeding against the licensee upon any ground provided by
law or to enter an order suspending or revoking the license or otherwise taking
disciplinary action against the licensee on any such ground."

17 7. Section 2761 of the Code provides grounds for disciplinary action:

18 "The board may take disciplinary action against a certified or licensed
19 nurse or deny an application for a certificate or license for any of the following:

20 (a) Unprofessional conduct, which includes, but is not limited to, the
21 following:

22 (1) Incompetence, or gross negligence in carrying out usual certified or
23 licensed nursing functions.

24 ...

25 (4) Denial of licensure, revocation, suspension, restriction, or any other
26 disciplinary action against a health care professional license or certificate by another
27 state or territory of the United States, by any other government agency, or by another
28 California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action."

8. Section 2762 of the Code states:

 "In addition to other acts constituting unprofessional conduct within the
meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a

1 person licensed under this chapter to do any of the following:

2 (a) Obtain or possess in violation of law, or prescribe, or except as
3 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
4 himself or herself, or furnish or administer to another, any controlled substance as
5 defined in Division 10 (commencing with Section 11000) of the Health and Safety
6 Code or any dangerous drug or dangerous device as defined in Section 4022.

7 (b) Use any controlled substance as defined in Division 10 (commencing
8 with Section 11000) of the Health and Safety Code, or any dangerous drug or
9 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
10 in a manner dangerous or injurious to himself or herself, any other person, or the
11 public or to the extent that such use impairs his or her ability to conduct with safety to
12 the public the practice authorized by his or her license.

13 (c) Be convicted of a criminal offense involving the prescription,
14 consumption, or self-administration of any of the substances described in
15 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
16 record pertaining to, the substances described in subdivision (a) of this section, in
17 which event the record of the conviction is conclusive evidence thereof.

18 (d) Be committed or confined by a court of competent jurisdiction for
19 intemperate use of or addiction to the use of any of the substances described in
20 subdivisions (a) and (b) of this section, in which event the court order of commitment
21 or confinement is prima facie evidence of such commitment or confinement.

22 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
23 unintelligible entries in any hospital, patient, or other record pertaining to the
24 substances described in subdivision (a) of this section."

25 **COST RECOVERY**

26 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licentiate found to have committed a violation or violations of
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

29 **FIRST CAUSE FOR DISCIPLINE**

30 **(Disciplinary Action by the Ohio Board of Nursing)**

31 10. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of
32 the Code on the grounds of unprofessional conduct because she was disciplined by the Ohio
33 Board of Nursing ("Ohio Board"), as follows:

34 11. On or about May 19, 2006, the Ohio Board issued Order Number 1285 in the
35 disciplinary action entitled, *In the Matter of: Melissa Bradford, R.N.* In its Order, the Ohio Board
36 ordered Respondent's license surrendered for failing to respond to a Notice of Immediate

1 Suspension and Opportunity for Hearing that the board filed on or about September 16, 2005, and
2 subsequently served upon Respondent.

3 12. The Notice of Immediate Suspension and Opportunity for Hearing to which
4 Respondent failed to respond included a complaint alleging that:

- 5 a. On or about July 14, 2005, in Allen County of Common Pleas Case No.
6 20040456, Respondent pled guilty to and was convicted of one (1) count of
7 Attempted Theft of Drugs, a fifth drgree felony, in violation of Sections 2923.02
8 and 2913.02(A) (1) and (B)(6), Ohio Revised Code. The circumstances
9 underlying the criminal conviction are that on or about August 16, 2004, while
10 working as a travelling nurse on the labor and delivery unit at St. Rita's Hospital
11 in Lima, Ohio, Respondent diverted Nubain for her own use.
- 12 b. On or about August 17, 2004, Respondent met with a compliance specialist from
13 the Ohio Board of Pharmacy and an investigator from the Ohio Board and
14 admitted to diverting Nubain from St. Rita's Hospital for self-administration since
15 the start of her employment contract on or about June 28, 2004.
- 16 c. On or about that same day, Respondent admitted that, while working as a nurse in
17 2001, she diverted Stadol and Phenergan from Mercy Anderson Hospital in
18 Cincinnati, Ohio.
- 19 d. On or about that same day, Respondent admitted that, while working as a nurse in
20 2004, she diverted Nubain and Demerol from Brown County Hospital in
21 Georgetown, Ohio between March and May of 2004. Respondent replaced the
22 diverted Nubain with normal saline.

23 13. Under Section 2761 subdivision (a)(4) of the Code, the Ohio Board's disciplinary
24 action against Respondent for diverting prescription drugs for her own use is ground for the
25 California Board to take disciplinary action.

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